

COURT ORDERED OBLIGATIONS CONFLICT ATTORNEYS

Conflict Attorneys provide competent legal representation for defendants in cases where the Public Defender must declare a conflict of interest.

PROGRAM HIGHLIGHTS

1. Second Judicial Circuit Administrative Order 2001-02 was entered on June 1, 2001, increasing the current Fee Schedule for attorneys in 1st Degree Murder (5%); Non-Capital Appeal to Supreme Court (54%); County to Circuit Court Appeal cases (37%); Non-Capital, Non-Life (20%); and 3.850 Felony Proceeding cases (100%).
2. Addition of Cost Containment Specialist position in October of 202. This position reports savings to the County of approximately \$16,500 in the first four months of the fiscal year through oversight of all conflict and non-conflict attorney programs.

ADVISORY BOARD

Circuit Conflict Committee

SUMMARY OF KEY STATUTORY RESPONSIBILITIES

Florida Statutes, Chapter 27.52, Chapter 29.007, Chapter 29.007(5), and Chapter 925.035 "Appointment of Counsel" *Florida Statute, Chapter 916.115(2), Chapter 916.301(7), Chapter 29.007(2), and Chapter 29.007(3) "Costs Incurred by Counsel" *Administrative Order 2000-2.

SUMMARY OF KEY SERVICE FUNCTIONS

1. Court appoints an attorney to represent the defendant in a case where the Public Defender must withdraw due to a conflict of interest.
2. Court Administration processes all paperwork for attorney appointments.
3. Court Administration monitors all contract appointments to ensure they do not exceed amounts specified in the contract.
4. Court Administration closely monitors costs on cases not assigned under contractual arrangements.

PERFORMANCE MEASUREMENTS

	FY 00/01	FY 01/02	FY 02/03	FY 03/04
	Actual	Actual	Estimate	Target
1) Number of life felony cases	93	49	71	75
2) Number of nonlife felony cases	738	773	811	852
3) Number of misdemeanors	225	285	342	400
4) Number of juvenile cases	170	249	300	325
5) Number of appeals	12	21	20	20
6) Number of attorneys serving as conflict attorneys	12	22	21	21

COURT ORDERED OBLIGATIONS - CONFLICT ATTORNEYS

ACCOUNT NUMBER: 110-538-621

FY 2003/2004 THRU FY 2007/2008 FINANCIAL & STAFFING SUMMARY

	FY 01/02 Actual	FY 02/03 Adopted	FY 03/04 Budget	FY 04/05 Planned	FY 05/06 Planned	FY 06/07 Planned	FY 07/08 Planned
<u>OPERATING</u>							
Personnel							
Operating	863,005	936,610	702,457				
Capital Outlay							
Contingency							
TOTAL	\$863,005	\$936,610	\$702,457				
<u>STAFFING</u>							
Full Time							
O.P.S.							

FY 2003/2004 PROGRAM CHANGES & NOTES:

Article V/Revision 7 begins implementation July 1, 2004. This constitutional amendment requires the State to provide funding for all essential elements of a unified court system.

The funding reflected above provides 9 months of appropriation under existing law and 3 months of appropriation under the new law.

As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

FY 2004/2005 THRU FY 2007/2008 PLANNED INITIATIVES & NOTES:

The out year requirements are based on the revised law effective July 1, 2004. As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

COURT ORDERED OBLIGATIONS - CONFLICT ATTORNEYS

ACCOUNT NUMBER: 110-538-621

PROGRAM EXPENDITURE DETAIL

Object		FY 01/02	FY 02/03	FY 03/04 Requested			FY 03/04 Budget		
<u>Code</u>	<u>Account Description</u>	<u>Actual</u>	<u>Adopted</u>	<u>NIJ</u>	<u>Change</u>	<u>Total</u>	<u>NIJ</u>	<u>Change</u>	<u>ARB</u>
53110	Psych. Exams	24,338	7,000	7,000	(1,750)	5,250	7,000	(1,750)	5,250
53120	Crt. Appt. Attorneys	341,070	396,000	396,000	(99,000)	297,000	396,000	(99,000)	297,000
53121	Capital Conflicts	186,062	80,000	80,000	(20,000)	60,000	80,000	(20,000)	60,000
53122	Parental Terminations		4,000	4,000	(1,000)	3,000	4,000	(1,000)	3,000
53123	Juvenile	34,498	66,000	66,000	(16,500)	49,500	66,000	(16,500)	49,500
53124	Traffic Conflicts	9,449	1,000	1,000	(250)	750	1,000	(250)	750
53126	Life Felony	135,423	196,008	196,008	(49,002)	147,006	196,008	(49,002)	147,006
53127	Misdemeanor	59,481	65,000	65,000	(16,250)	48,750	65,000	(16,250)	48,750
53130	Other Prof. Serv	5,221	46,560	46,560	(11,640)	34,920	46,560	(11,640)	34,920
53190	Other Misc.	2,434	15,000	15,000	(3,750)	11,250	15,000	(3,750)	11,250
53300	Crt. Reporter Svcs		3,000	3,000	(750)	2,250	3,000	(750)	2,250
53304	Transcript Deposition	643	5,000	5,000	(1,250)	3,750	5,000	(1,250)	3,750
53500	Investigations	36,470	39,792	39,792	(9,948)	29,844	39,792	(9,948)	29,844
54910	Exp. Witness Travel	17,544	5,000	5,000	(1,250)	3,750	5,000	(1,250)	3,750
54920	Ord. Witness Travel	498	750	750	(188)	562	750	(188)	562
54940	Appeal Fees	9,844	6,500	6,500	(1,625)	4,875	6,500	(1,625)	4,875
54941	Appeal Records	30							
TOTAL OPERATING EXPENSES		\$863,005	\$936,610	\$936,610	(\$234,153)	\$702,457	\$936,610	(\$234,153)	\$702,457
PROGRAM TOTAL		\$863,005	\$936,610	\$936,610	(\$234,153)	\$702,457	\$936,610	(\$234,153)	\$702,457

COURT ORDERED OBLIGATIONS

NON-CONFLICT ATTORNEYS

Nonconflict attorney programs are court-ordered payments, in the defense of indigents, and must be paid by law.

PROGRAM HIGHLIGHTS

- 1. The Board funded a full time position to staff and administer these programs while also containing costs. This position is located in Court Administration's budget (001-540).
- 2. During the first four months of providing oversight for this program, the Cost Containment has realized a savings of over \$10,000 in just the parental terminations.

ADVISORY BOARD

None

SUMMARY OF KEY STATUTORY RESPONSIBILITIES

Psychological Exams (org 534): Florida Statutes 27.562 (Disposition of Funds) & 938.29 (Legal assistance; lien for payment of attorney's fees or costs)

Medicare Fraud (org 535): Florida Statute 414.41 (Recovery of payments made due to mistake or fraud)

Parental Terminations (org 536): Florida Statutes, Ch. 39 (Proceedings relating to children), F.S. 39.013(Procedures and jurisdiction; right to counsel), 39.0133 (Court and witness fees), 39.0134 (Appointed counsel; compensation), 39.703 (Initiation of termination of parental rights proceedings; judicial review)

Tax Costs (org 539): Florida Statutes 57.085 (Waiver of prepayment of court costs and fees for indigent prisoners), 938.29 (Legal assistance; lien for payment of attorney's fees or costs), & 938.30 (Court-imposed financial obligations in criminal cases; supplementary proceedings)

SUMMARY OF KEY SERVICE FUNCTIONS

- 1. Provide payments as required by court order.
- 2. Monitor payment requests for conformance to requirements and double and/or overpayments.

PERFORMANCE MEASUREMENTS

- 1) None

FY 00/01	FY 01/02	FY 02/03	FY 03/04
Actual	Actual	Estimate	Target

COURT ORDERED OBLIGATIONS - NON-CONFLICT ATTORNEYS

ACCOUNT NUMBER: 110-53X-6XX

FY 2003/2004 THRU FY 2007/2008 FINANCIAL & STAFFING SUMMARY

	FY 01/02 Actual	FY 02/03 Adopted	FY 03/04 Budget	FY 04/05 Planned	FY 05/06 Planned	FY 06/07 Planned	FY 07/08 Planned
<u>OPERATING</u>							
Personnel							
Operating	531,472	458,245	343,683				
Capital Outlay							
Contingency							
TOTAL	\$531,472	\$458,245	\$343,683				
<u>STAFFING</u>							
Full Time							
O.P.S.							

FY 2003/2004 PROGRAM CHANGES & NOTES:

Article V/Revision 7 begins implementation July 1, 2004. This constitutional amendment requires the State to provide funding for all essential elements of a unified court system.

The funding reflected above provides 9 months of appropriation under existing law and 3 months of appropriation under the new law.

As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

FY 2004/2005 THRU FY 2007/2008 PLANNED INITIATIVES & NOTES:

The out year requirements are based on the revised law effective July 1, 2004. As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

COURT ORDERED OBLIGATIONS / NON-CONFLICT ATTORNEYS

ACCOUNT NUMBER: 110-53X-XXX

PROGRAM EXPENDITURE DETAIL

Object		FY 01/02	FY 02/03	FY 03/04 Requested			FY 03/04 Budget		
Code	Account Description	Actual	Adopted	NIT	Change	Total	NIT	Change	ARB
<u>Psychological Exams: 110-534-XXX</u>									
53110	Psych. Exams	\$17,110	\$28,323	\$28,323	(7,081)	\$21,242	\$28,323	(7,081)	\$21,242
53120	Crt. Appt. Attorneys	1,734	11,237	11,237	(2,809)	8,428	11,237	(2,809)	\$8,428
53304	Transcripts - Depo.		300	300	(75)	225	300	(75)	\$225
TOTAL OPERATING EXPENSES		\$18,844	\$39,860	\$39,860	(9,965)	\$29,895	\$39,860	(9,965)	\$29,895
<u>Tax Costs: 110-535-621</u>									
53110	Psych. Exams	350	700	700	(175)	525	700	(175)	525
53130	Other Prof Svcs	2,290							
53300	Crt. Reporter Svcs	1,659	200	200	(50)	150	200	(50)	150
53303	Appear. Fee Depo.		300	300	(75)	225	300	(75)	225
53304	Transcripts - Depo.		2,000	2,000	(500)	1,500	2,000	(500)	1,500
53500	Investigations	3,137							
54900	Other Current Chgs								
54910	Expert Witness Travel	19,936	200	200	(50)	150	200	(50)	150
54941	Appeal Records	124	600	600	(150)	450	600	(150)	450
TOTAL OPERATING EXPENSES		\$27,496	\$4,000	\$4,000	(1,000)	\$3,000	\$4,000	(1,000)	\$3,000
<u>Parental Terminations: 110-536-689</u>									
53100	Professional Svcs	72,454							
53120	Crt. Appt. Attorneys	408,356	383,473	383,473	(95,868)	287,605	383,473	(95,868)	287,605
53300	Crt. Reporter Services	1,599	10,120	10,120	(2,530)	7,590	10,120	(2,530)	7,590
53303	Appear. Fee Depo.		400	400	(100)	300	400	(100)	300
53304	Transcript - Depo.		12,918	12,918	(3,230)	9,688	12,918	(3,230)	9,688
53500	Investigations	305							
54910	Expert Witness Travel		2,000	2,000	(500)	1,500	2,000	(500)	1,500
54941	Appeal Records	2,418	4,474	4,474	(1,119)	3,355	4,474	(1,119)	3,355
TOTAL OPERATING EXPENSES		\$485,132	\$413,385	\$413,385	(103,347)	\$310,038	\$413,385	(103,347)	\$310,038
<u>Insurance Fraud: 110-539-621</u>									
54920	Ord. Witness Travel		1,000	1,000	(250)	750	1,000	(250)	750
TOTAL OPERATING EXPENSES			\$1,000	\$1,000	(250)	\$750	\$1,000	(250)	\$750
TOTAL		\$531,472	\$458,245	\$458,245	(\$114,562)	\$343,683	\$458,245	(114,562)	\$343,683

INDIGENT PROBATE SERVICES

Provides legal services to indigent residents in county court, civil court, and circuit court.

PROGRAM HIGHLIGHTS

Collect proceeds of court filing fees designated for incapacity and guardianship proceedings concerning indigent wards. Legal Aid is provided for the adjudication process of indigent, allegedly incapacitated persons and to pay the legal fees of the incapacitated person for court costs and for the examining committee.

ADVISORY BOARD

None.

SUMMARY OF KEY STATUTORY RESPONSIBILITIES

Florida Statutes, Ch. 744 (Guardianship), and Leon County Code of Laws, Ch. 7, Art II, Section 27(e)(1) (Authorization of payment)

SUMMARY OF KEY SERVICE FUNCTIONS

Each county remits a portion of fees collected to support the Civil Court Guardianship Trust. These fees are used to reimburse court-appointed attorneys and expenses for legal guardianship during the Probate process.

PERFORMANCE MEASUREMENTS

	FY 00/01	FY 01/02	FY 02/03	FY 03/04
	Actual	Actual	Estimate	Target
1) Fees Collected from all counties in circuit.	\$34,795	\$33,381	\$29,635	\$30,228

INDIGENT PROBATE SERVICES

ACCOUNT NUMBER: 112-555-564

FY 2003/2004 THRU FY 2007/2008 FINANCIAL & STAFFING SUMMARY

	FY 01/02 Actual	FY 02/03 Adopted	FY 03/04 Budget	FY 04/05 Planned	FY 05/06 Planned	FY 06/07 Planned	FY 07/08 Planned
OPERATING							
Personnel							
Operating	48,835	28,576	22,171				
Capital Outlay							
Contingency							
TOTAL	\$48,835	\$28,576	\$22,171				
STAFFING							
Full Time							
O.P.S.							

FY 2003/2004 PROGRAM CHANGES & NOTES:

Article V/Revision 7 begins implementation July 1, 2004. This constitutional amendment requires the State to provide funding for all essential elements of a unified court system.

The funding reflected above provides 9 months of appropriation under existing law and 3 months of appropriation under the new law.

As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

FY 2004/2005 THRU FY 2007/2008 PLANNED INITIATIVES & NOTES:

The out year requirements are based on the revised law effective July 1, 2004. As the state legislature will convene again prior to the implementation date there is still uncertainty if further changes to the law will be enacted.

INDIGENT PROBATE SERVICES

ACCOUNT NUMBER: 112-555-564

PROGRAM EXPENDITURE DETAIL

Object		FY 01/02	FY 02/03	FY 03/04 Requested			FY 03/04 Budget		
<u>Code</u>	<u>Account Description</u>	<u>Actual</u>	<u>Adopted</u>	<u>NIT</u>	<u>Change</u>	<u>Total</u>	<u>NIT</u>	<u>Change</u>	<u>ARB</u>
	Professional Services	48,835	28,576	29,561	(7,390)	22,171	29,561	(7,390)	22,171
TOTAL OPERATING EXPENSES		\$48,835	\$28,576	\$29,561	(\$7,390)	\$22,171	\$29,561	(7,390)	\$22,171
TOTAL BUDGET		\$48,835	\$28,576	\$29,561	(\$7,390)	\$22,171	\$29,561	(7,390)	\$22,171